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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|-----------------------|---------------------|------------------|
| 10/723,389 | 11/25/2003 | Thomas Redden Veariel | 2003B103/2 | 8869 |

23455 7590 02/16/2007
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| EXAMINER |
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BODAWALA, DIMPLE N

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| ART UNIT | PAPER NUMBER |
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1722

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE | DELIVERY MODE |
|--|------------|---------------|
| 3 MONTHS | 02/16/2007 | PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

| | | | |
|------------------------------|--------------------------------|--------------------------------|--|
| Office Action Summary | Application No. 10/723,389 | Applicant(s) VEARIEL ET AL. | |
| | Examiner Dimple N. Bodawala | Art Unit 1722 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 December 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 36-64 and 72 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 36-64 and 72 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

Claims 36-64 and 72 are pending.

In view of the amendment, filed on December 18th, 2006 following rejections are maintained for the reasons of record as given in the previous office action, mailed on August 17th, 2006.

- ✓ Rejection of claims 36-38,44,47,51-53,56,58-59,62,and 65 under 35 U.S.C. 102 (b) as being anticipated by Courval et al. (U S Patent No. 5,204,045).
- ✓ Rejection of claims 36,38,40,42,47, and 51-55 under 35 U.S.C. 102 (b) as being anticipated by Bentivoglio et al. (U S Patent No. 4,830,545).
- ✓ Rejection of claims 36,38-42,44-55,57,59-65,and 72 under 35 U.S.C. 102 (b) as being anticipated by Dudley (U S Patent No. 4,123,207).

In view of the amendment, filed on December 18th, 2006 following rejection is withdrawn from the previous office action, mailed on August 17th, 2006.

- ✓ Rejection of claim 72 under 35 U.S.C. 112, second paragraph, for being indefinite.

Response to Arguments

Applicant's arguments filed December 18th, 2006 have been fully considered but they are not persuasive.

Applicant argues that the prior art, Courval et al. (U S Patent No. 5,204,045) does not disclose or suggest a heater to increase the temperature of an already molten material. He further argues that the prior art would not have recognized any need for higher temperature as only the melt temperature at the die exit need be reached.

This is not found persuasive because the prior art, Courval ('045) discloses the heater near by the die plate. It further discloses the temperature range of the molten material, which is about 30 C to 145 C. It further teaches that the temperature range of the molten polymer is depending on the polymer shape as a result of deformation force upon it (See col.5 lines 9-43, and example 2).

Applicant further argues that the prior art, Bentivoglio et al. (U S Patent No. 4,830,545) does not disclose at all any temperature range of the material and also a heater to increase the resin temperature above the melting temperature.

This is not found persuasive because the prior art, Bentivoglio ('545) discloses the heater to increase the temperature of the material and also to keep the temperature even, in which the throughout can be achieved before the melt fracture starts to occur is thereby increased the temperature of the material (See col.3 lines 9-27).

Applicant further argues that the prior art, Dudley (U S Patent No. 4,123,207) does not disclose the heater for increasing the temperature of the resin at the die exit.

This is not found persuasive because the prior art, Dudley ('207) discloses the heat exchanger as a heater for increasing temperature of material to prevent the solidification of the molten material prior to exit from the member (See col.7 lines 10-22).

Therefore, the rejection of claims under 102(b) is maintained for the reasons of record.

Conclusion

THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

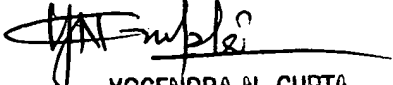
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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dimple N. Bodawala whose telephone number is (571) 272-6455. The examiner can normally be reached on Monday - Friday at 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dr. Yogendra N. Gupta can be reached on (571) 272-1316. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


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TECHNOLOGY CENTER 1700